

Austin Street Board Order Questions

Memorandum

To: Alderman Marc Laredo, Chair, Land Use Committee

From: Alderman Lisle Baker

Subject: Austin Street Board Order Questions

Date: November 20, 2015

Cc: Board colleagues; Ouida Young, Newton Law Department; James Freas, Newton Planning Department; William Paille, Public Works Department

I want to express my appreciation to you and others involved for all of your hard work on this item.

I understand from our last full Board meeting that if we have questions for the Land Use Committee discussion on Tuesday about the Austin Street Board order, we should communicate those in writing in advance.

Since the Board as a whole has not discussed the item yet, other issues may arise, but these are several that I would be grateful if you might ask the Committee to address, since I may not be able to attend the discussion next Tuesday evening myself. Some are issues of policy and some are issues of language, and some are mixed. Let me say at the outset that these questions should not be presumed to indicate how I would vote on the Board Order itself when it comes forward, since the special permit review process by your Committee, or Board deliberation on the project, is not complete. I take it that part of the continuing work of the Land Use Committee is to increase the proposed special permit's benefits, and decrease its burdens, if possible.

I also realize that some of the answers may be buried in the reams of material we have received, but because this project has been modified over time, it seems simpler to raise them now as they occurred to me when I read the latest draft Board Order so that the answers can be provided in a final Committee Report or otherwise. My sense is that some of these questions may also be on the minds of other people.

1. A continued issue with the project is the perceived impact on parking for nearby merchants both during and after construction. I have heard continuing concerns about how those businesses will be able to continue to be successful, notwithstanding the construction shuttle service to Aquinas and the increased mitigation fund. Can how that is to work be explained or further strengthened to allay those concerns? (Please see some of the comments below.)
2. Many references occur in the Board order to the "Petitioner." Since ASP and the City are co-petitioners, should not the Board order be clarified to determine which Petitioner has

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an obligation? For example, condition 25 refers to an annual obligation to maintain street trees. If they are City trees, is this the City's obligation? ASP in perpetuity?

3. In general, while we anticipate the City to be around indefinitely, what special permit language or collateral undertakings are anticipated to assure that commitments made in the special permit will run and be binding on any successor of ASP? Recording the special permit in the Registry of Deeds puts successors on notice, but that notice would not be helpful if there were no durable obligation on anyone other than ASP. (Knowing the diligence of Ms. Young, I cannot imagine this clarification not being in a final document, but I just did not see it here.)
4. How the public parking will operate may be further clarified. I have provided Mr. Paille with information about several parking management systems, including the name of the vendor for Logan Airport, which advises motorists of where spaces can be found. It would be useful to see if this system might be helpful to allay concerns that the effective covered public parking available, because of lack of visibility, will not be the equivalent of preserving the needed spaces in the existing lot. If it turns out that such a system would make sense here, perhaps complemented by security cameras, then perhaps the Findings and Conditions could be amended so that whatever makes sense can be planned for in advance, rather than installed after the fact.
5. The time of the shuttle service does not seem to match the construction timing in that the shuttle ends sooner than the construction hours. Also, while construction workers get first priority in the shuttle, will they be required to use the shuttle lot, as they are apparently required to use the site basement later?
6. Our ordinance ordinarily requires the Mayor to consent for construction work to be done on Sundays and holidays, and there is usually consultation by the Mayor with the aldermen from the Ward. Why is that authority delegated to the Commissioner of ISD in this case?

Other questions may arise later, but I appreciate the opportunity to raise these now.

Thanks for your consideration.